



# Town of Berwyn Heights

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**MAYOR**  
Amanda M. Dewey

**COUNCIL MEMBERS**  
Jodie A. Kulpa-Eddy (Mayor Pro Tem)  
Christopher S. Brittan Powell  
Jason W. Papanikolas  
Ethan D. Sweep

## Worksession Minutes December 7, 2020 | 7:00 pm

This meeting was held by videoconference due to the ongoing COVID-19 health emergency. The meeting was broadcast on Berwyn Heights cable TV channels and streamed on the Town website. Residents were given the opportunity to join the meeting via Zoom and comment by telephone and email.

The meeting was called to order at 7:00 p.m. Present were Mayor Amanda Dewey, Mayor Pro Tempore (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Jason Papanikolas, Christopher Brittan-Powell, and Ethan Sweep. Also present were Town Manager (TM) Laura Allen, Town Clerk Kerstin Harper, Greenbelt Sustainability Director Louisa Robles, Greenbelt Green Team Member Steve Skolnik and Greenbelt Green Aces Chair John Lippert.

### 1. Announcements

Mayor Dewey reminded everyone of their responsibilities in a period of surging COVID-19 cases, noting that this may come to an end with the distribution of vaccines to begin in early 2021. Meanwhile, all residents are encouraged to consider smaller holiday gatherings and to be as safe as possible.

### 2. Approval of the Agenda

On a motion by CM Papanikolas, and second by MPT Kulpa-Eddy the agenda was approved 5 to 0.

### 3. Discussion Items

**Renewable energy discussion:** Mayor Dewey explained that the Council was considering approval of a resolution at the November Town meeting to authorize the Town Manager to negotiate and sign energy contracts on behalf of the Town. After extensive discussion, the Council requested more information on the cost of renewable versus standard energy options before making a decision. Meanwhile, the Town continues to operate on an expensive month-to-month contract.

TM Allen said she reached out to Greenbelt's Sustainability Director Louisa Robles for advice. Ms. Robles recommended Greenbelt solar energy expert Steve Skolnik, a master electrician with extensive experience in the electric power and solar energy industries, and Greenbelt Green Aces Chair John Lippert to help the Council evaluate energy options. They agreed to join this meeting for an energy roundtable discussion.

Mayor Dewey said the Council is attempting to reconcile the goals of saving money and furthering the Town's sustainability, as laid out in its green purchasing policy and the Green Team's recent carbon footprint reduction initiative. In response to Council's questions, Mr. Lippert and Mr. Skolnik made the following points:

- The Council should be clear about its goals. Options include saving money, reducing the Town’s carbon footprint, contracting with a locally serving source, adopting renewable energy as a value.
- Renewable energy is no longer more expensive than fossil fuel energy and may be a little cheaper when taken on life-cycle cost basis, where life-cycle cost is the cost of acquiring and maintaining the infrastructure that generates the energy over its lifespan.
- The City of Greenbelt is in the process of switching to solar power to cover 90% of municipal energy use. In doing so, it expects to save money long-term while minimizing fossil fuel use.
- Historically, energy prices gradually increase over time but in the last 10 years energy prices have gone down due to the increased use of natural gas produced by hydraulic fracturing.
- Community Solar is a Maryland pilot project in which consumers, including municipalities, can sign up for solar energy contracts at a cost that is around 5% lower than Pepco’s standard service offer. For example, Neighborhood Sun’s energy farm is located in Maryland and contributes to cleaner air in this area. Community Solar residential contracts are between 1 and 5 years in length and can be terminated with a 30-day notice within a specified period. Municipal contracts may differ from residential contracts.
- To save money, a municipality can aggregate its energy bills into one to give it more negotiating power with suppliers.
- Another way to keep energy costs low is going out to bid for the best energy offers.
- Many renewable energy contracts in this area are offered to earn energy credits for energy produced by wind farms located in the mid-west.
- Renewable energy credits (RECs) are created by government to promote the development of renewable energy. One REC is the production of 1 megawatt-hour (MWh) of electricity by a renewable energy source. In Maryland a REC is currently valued at around \$70. RECs can be purchased by energy suppliers to offset conventional energy sources to meet governmental mandates for renewable energy generation.
- The energy that powers Prince George’s homes comes from Pepco, which is derived from natural gas (33.2%), nuclear power (29.1%), coal (17.3%) and oil (0.1%).

In response to TM Allen, Mr. Skolnik explained that the City of Greenbelt is not a Community Solar participant. It issued an RFP to design an offsite solar farm from which it will earn the entire benefit. However, the City does not own the equipment and only receives a discount on the purchase price. It is preferable to own the equipment because the power supplied would be free. If Berwyn Heights had available land for a solar array, this option would be best. The amount of land needed would depend on the energy consumption of the Town, which determines the size of the array needed.

Alternatively, the Town could install solar panels on its buildings, and feed the generated electricity directly into the buildings’ electric systems. The dollar value of the generated electricity would be subtracted from the bill, a solution known as “net metering”. Roof installations of solar panels have come down in price and are readily available.

Mayor Dewey summed up that this discussion has brought up additional options for energy supply, which require some further research. This postpones the signing of a contract to the new year.

At 8:02 p.m., the Council took a 3-minute recess.

***Town organizations policy:*** Mayor Dewey explained that the Council adopted a formal Town organizations policy in 2019, completing work that had begun under previous Councils. The policy establishes two categories of organizations, committees and assemblies, based on their relationship

with the Town government. Committees are usually created by a Council resolution, covered by the Town's insurance policy and eligible to receive budget appropriations. Assemblies are independent community organizations that have no formal link to the Town. However, they do provide a valued service and are eligible to receive some Town benefits, such as grants and free use of facilities.

The Council is requested to revisit the policy because the pandemic has highlighted new limitations on how Town organizations can operate that are under the Town's insurance umbrella. In discussion, the following points were made:

- Organizations designated as committees may want to re-evaluate their relationship to the Town, if they want to hold events other than those allowed by the Town during the pandemic.
- Committees are also constrained by State regulations, such as the Open Meetings Act and the Public Information Act, requiring them to give notice of meetings and to file minutes.
- Restrictions on in-person meetings have raised new questions about a committee's operating procedures, such as election of officers.
- Currently, there are no widely accepted best practices for operating during a health emergency. For the most part, communities are developing processes as they go along.
- Berwyn Heights has an unusually high number of committees that are considered part of the Town. In other municipalities committees are usually limited to entities that enforce or ensure compliance with a section of the municipal code, such as a zoning appeals board, planning commission or historic district commission. Frequently, they are considered judicial or quasi-judicial as they can make or adjudicate rules that have the force of law.
- Most Town organizations were asked if they wanted to become a committee prior to the adoption of the organization policy. For example, the Men's League chose to become one, whereas the Boys & Girls Club preferred to remain independent.
- Some members of Town organizations have expressed concern about the volunteer spirit being dampened by COVID restrictions and addition of new requirements.

The Council agreed to send an annual reminder of the policy to Town organizations and to highlight their responsibilities under Maryland law. This might include examples of agenda and minutes that satisfy minimum requirements.

***Event policy discussion:*** Mayor Dewey explained that the COVID-19 pandemic has raised questions about the Town's policy regarding the holding of community events and the rental of Town facilities. TM Allen said in August she advised the Council to suspend holding in-person events until an event policy has been developed. The policy she has drafted covers not only events held at Town facilities but also events held within the Town using Town resources, such as a parade or a large gathering.

TM Allen continued that she searched for but was unable to find sample event policies updated to cover the current pandemic. It appears such policies are being adapted to the changing COVID restrictions as the situation evolves. However, she has consulted general event policies from several Maryland cities as well as the event manual of the Town's insurer, the Local Government Insurance Trust (LGIT) in drafting the policy before the Council. It is a broad policy covering a wide range of events that can be adapted for an emergency. It would establish greater control over the process by establishing a permit requirement and peak attendance limits. The policy would be accompanied by a fee schedule for holding events to cover the Town's costs. The policy is silent on whether Town organizations fall under its purview, something on which the Council is requested to provide guidance.

The Council provided input on the draft event policy, as follows:

- The policy does not currently provide guidance on which types of events the Recreation Council can hold during the pandemic. It still needs a framework for events held by Town organizations.
- The policy’s utility in this emergency would be improved by clearer definitions of what constitutes an ‘in-person’ event or a ‘parade.’
- The policy provides useful controls for events held by commercial entities and other non-Town entities.
- For non-Town entities, minimizing liability and covering cost are the principal objectives.
- For Town organizations, it may be sufficient to designate someone who decides which events are allowed under particular circumstances. In this scenario, organizations might be required to submit a plan before an event that must be approved by the Town Manger and/ or Police Chief. If the decision-maker cancels an event, the decision should be appealable to the Town Council.
- Berwyn Heights applied stricter standards than Greenbelt in not allowing a drive-in movie to be aired during Phase II of reopening from the pandemic.
- Old Greenbelt Theater, which hosted an open-air movie, is an independent community organization whereas the Berwyn Heights Recreation Council is a Town committee and subject to the Town’s liability insurance restrictions when hosting events.
- The principal limitation on Town events is Town liability, as demonstrated by the Berwyn Heights Day beer truck controversy.

The Council agreed that an event policy should provide clarity on event limitations and decision-making authority. The extent to which Town committees might be covered by the event policy will require further discussion. Town organizations should be asked to give feedback once the Council has consensus on the framework.

***Budget and priority setting process:*** TM Allen presented a proposed budget process and setting of priorities for Council feedback. She said the process is designed for this year’s unique circumstances: a shorter timeframe for setting priorities, a transition in the Town Treasurer position, and limitations on community engagement due to the pandemic. The outlines of the process are as follows:

December: Revenue projections, expenditure analysis, budget instructions to department directors;

January: Advertise and promote virtual public engagement process;

February: Hold virtual public meeting and release survey (website and Bulletin); Department budgets due to Town Manager;

March: Review and discuss results of public engagement process, present draft budget, hold budget work session;

April: Budget work session, public hearing, introduction and first reading of budget ordinance;

May: Public hearing (continued) and budget adoption.

In response to Council questions, TM Allen said residents would see a draft budget by March on which they would be able to comment. CM Papanikolas noted in recent years, the Council has held the record open for public comments between introduction and adoption of the budget.

TM Allen continued that she plans to deliver a ‘tight budget that hangs together technically.’ Department Directors will be given instructions based on the revenue projections.. She stated, the Council is always free to ask about different scenarios or to change the budget as they see fit. The Council requested that directors be advised to be prepared to answer how they would adjust their budgets if revenues are 5% higher or 5% lower than expected.

There ensued a discussion about the Town Manager's role in adjusting staff responsibilities when a position becomes vacant.

***Greenbelt Road Task Force update:*** Mayor Dewey said that Berwyn Heights councilmembers met with Greenbelt and College Park councilmembers last month to develop a plan on how to move forward with a Greenbelt Road Task Force. No consensus was reached. Mayor Dewey thinks it would be more productive to establish a smaller working group of 1-2 councilmembers from each city to come up with a plan that would be submitted to a full meeting of the City Councils for approval.

In discussion, the Council agreed to propose that a small working group should draft a framework that the full Task Force can act upon later. The framework might simply consist of a handful of propositions all three cities must agree to be part of a plan so they can move forward in the same direction. College Park is likely to be less invested in Greenbelt Road corridor planning but could give valuable input based on its experience with the redevelopment of Route 1. CM Sweep, CM Brittan-Powell volunteered to serve on the working group. CM Papanikolas agreed to serve as an alternate.

***National League of Cities conference report:*** Mayor Dewey, MPT Kulpa-Eddy and CM Brittan-Powell gave reports on a virtual National League of Cities conference they attended last month. Normally, the Council does not attend this conference because it is expensive but since it was held virtually this year, it was affordable.

MPT Kulpa-Eddy said the conference is geared towards larger cities that generally run their own utilities, public transport, and school systems. Therefore, many workshops were not relevant for a small town like Berwyn Heights. She did learn a few interesting things in workshops about educational engagement, mental health and safely re-opening in the pandemic.

CM Brittan-Powell said attending the NLC conference made him appreciate the Maryland Municipal League, which is much more pragmatic. He found the NLC to be too political and, like MPT Kulpa-Eddy, not particularly relevant to Berwyn Heights concerns.

Mayor Dewey agreed that the NLC was less relevant for a small town than an MML conference. However, she found value at a broader level by learning about different approaches and perspectives to the problems of governing. She focused on attending workshops related to public safety and police-community relations.

#### **4. Department Reports**

Mayor Dewey reminded everyone to follow COVID-19 protocols, that letters to Santa are due for drop off at the Police station by December 18, and Toys for Tots must be dropped off by December 11. Chief Antolik advises residents to lock their cars to prevent break-ins and thefts and to be alert to packages at the door.

MPT Kulpa-Eddy announced upcoming M-NCPPC meetings for giving input on a Youth Sports Strategic Plan initiative, which will guide how the newly created Prince George's County Youth and Countywide Sports Division operates in the future. The BHEAC has drafted an education grant application and is ready to present it to the Council for feedback. MPT Kulpa-Eddy also gave an overview of a new community engagement pilot project, the Berwyn Heights Buddy Program. It seeks to match residents with each other based on shared interests so they can communicate by telephone, mail, email, or videoconference while in-person gatherings are limited.

CM Papanikolas announced that Treasurer Rodriguez will leave service of the Town to take a new job and that the Volunteer Fire Department has sold out of Christmas trees. TM Allen thanked the Fire Department chief for ensuring the Town was given a tree for its tree-lighting ceremony.

CM Brittan-Powell reported that he received feedback on the proposed tree ordinance, with some expressing concerns about imposing a penalty fee on top of the already high cost of tree removals.

CM Sweep reported that Public Works is in the process of hiring new employees and that leaf collection is in progress. The Town will release more information about when to place leaves at the curb, so they won't sit out for too long. TM Allen said, due to staffing challenges, leaf collection is performed when there is time. People who do not want to wait for the leaf vacuum are encouraged to bag their leaves and put them out on regular yard waste collection days.

#### **5. Town Council Schedule**

The Council reviewed the upcoming schedule. TM Allen said the Council will be presented with a yearly schedule of meetings and holidays for approval at the upcoming Town meeting.

#### **6. Citizen Comments**

There were none.

The meeting was adjourned at 10:35 p.m.

Signed: *Kerstin Harper*, Town Clerk